

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

JANIE L. KINSEY and C.H. KINSEY,)
)
Plaintiffs,)
)
v.) CIVIL ACTION NO. 1:05CV636-WKW
)
)
C. LANCE GOULD, et al.,)
)
Defendants.)

RECOMMENDATION OF THE MAGISTRATE JUDGE

In this *pro se* case filed on 7 July 2005, the plaintiffs [“the Kinseys”] sued four defendants: C. Lance Gould, Citifinancial [“Citifinancial”] Associates, J. King [“King”], and TranSouth. The court dismissed C. Lance Gould as a defendant on 1 December 2005 (Doc. # 17). The summons and complaint were issued to Citifinancial and TranSouth on 27 June 2006 (Doc. # 23) and to King on 11 July 2006 (Doc. # 25).

The summons and complaint issued to King were returned unexecuted with the following notation: “Return to Sender-Undeliverable as Addressed No Forwarding Order on File”. This case has already been pending for over one year, and the processing of the plaintiff’s claims should now be expedited. King has made no appearances in this case, nor has he filed any defensive pleadings. The court has had no contact whatsoever with King.

Accordingly, it is the RECOMMENDATION of the Magistrate Judge that the court enter an order dismissing the claims against defendant J. King, without prejudice. It is further recommended that this case be referred to the Magistrate Judge for further

proceedings. It is further

ORDERED that the parties are DIRECTED to file any objections to the said Recommendation by **7 August 2006**. Any objections filed must specifically identify the findings in the Magistrate Judge's Recommendation objected to. Frivolous, conclusive or general objections will not be considered by the District Court. The parties are advised that this Recommendation is not a final order of the court and, therefore, it is not appealable.

Failure to file written objections to the proposed findings and recommendations in the Magistrate Judge's report shall bar the party from a *de novo* determination by the District Court of issues covered in the report and shall bar the party from attacking on appeal factual findings in the report accepted or adopted by the District Court except upon grounds of plain error or manifest injustice. *Nettles v. Wainwright*, 677 F.2d 404 (5th Cir. 1982). *See Stein v. Reynolds Securities, Inc.*, 667 F.2d 33 (11th Cir. 1982). *See also Bonner v. City of Prichard*, 661 F.2d 1206 (11th Cir. 1981, *en banc*), adopting as binding precedent all of the decisions of the former Fifth Circuit handed down prior to the close of business on September 30, 1981.

DONE this 20th day of July, 2006.

/s/ Vanzetta Penn McPherson
VANZETTA PENN MCPHERSON
UNITED STATES MAGISTRATE JUDGE